

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

SHANNON T. LOVELESS,

CASE NO. 2:09-cv-360

Petitioner,

v.

JUDGE MARBLEY

MICHELLE MILLER, WARDEN,

Respondent.

OPINION AND ORDER

On April 20, 2010, the Court noted that when this case was filed, petitioner did not raise any specific claims in his petition. Rather, it appeared that petitioner was waiting for the outcome of a motion for a delayed direct appeal filed in state court before determining what claims to raise in federal habeas corpus. However, his motion for delayed was denied on June 3, 2009, and he never filed an amended petition. The Court's April 20, 2010 order directed him to do so within 28 days or his case would be subject to dismissal.

More than the allowed time has passed, and petitioner has not responded to the order. Thus, this case is in a posture where a petition has been filed, but no claims have been advanced alleging that plaintiff is in the custody of the respondent in violation of the Constitution or laws of the United States. Such an action is subject to dismissal under Rule 4 of the Rules Governing Section 2254 Cases in the United States District Courts. Consequently, and for these reasons, this action is hereby **DISMISSED**.

IT IS SO ORDERED.

s/Algenon L. Marbley
Algenon L. Marbley
United States District Judge

